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Attorneys for Plaintiffs
BRYAN DE SIMAS and LINDA JOHNSON

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Bryan de Simas and Linda Johnson,
individually, and on behalf of all others
similarly situated,

Plaintiffs,

vs.

Big Lots Stores, Inc., an Ohio Corporation, and
Does One through Twenty-Five, inclusive,

Defendant.

Case No. C 06 6614 SI

**JOINT STIPULATION AND
[PROPOSED] ORDER OF DISMISSAL
WITH PREJUDICE OF ENTIRE
ACTION**

[FRCP 41(a)(1)(A)(ii)]

Complaint Filed: October 25, 2006
Trial Date: None Set

TO THE HONORABLE COURT, AND TO ALL PARTIES AND COUNSEL:

WHEREAS, pursuant to FRCP 41(a)(1)(A)(ii), Plaintiffs Bryan de Simas and Linda Johnson and Defendant Big Lots Stores, Inc., by and through their counsel of record, hereby jointly stipulate and agree to the dismissal with prejudice of the entire action as to all parties and all causes of action and claims, with each party to bear his/her/its own respective fees and costs.

1 IT IS SO STIPULATED AND AGREED.

2 Date: May 14, 2008

JACKSON LEWIS LLP

3
4 By: 

CARY G. PALMER

5 Attorneys for Defendant
6 BIG LOTS STORES, INC.

7
8 Date: May 7, 2008

BAILEY, PINNEY PC

9
10 By: 

SUSAN SIMMONS SEEMILLER

11 Attorneys for Plaintiffs
12 BRYAN DE SIMAS AND LINDA JOHNSON

13
14 **ORDER**

15 IT IS HEREBY ORDERED, pursuant to FRCP 41(a)(1)(A)(ii), that the entire action, as to
16 all parties and all causes of action and claims therein, is dismissed with prejudice as of the date of
17 this Order, with each party to bear his/her/its own respective fees and costs.

18 IT IS SO ORDERED.

19
20 Dated: _____



21 UNITED STATES DISTRICT COURT JUDGE

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28 H:\B\Big Lots\de Simas (106567)\Pleadings\022 pld Joint Stip and Order RE Dismissal with Prejudice.doc